

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

WILLIAM D. PAUL,	)
	)
Plaintiff,	)
	)
v.	) CIVIL ACTION NO. 2:07mc3367-MHT
	) CIVIL ACTION NO. 2:07mc3369-MHT
UNITED STATES OF AMERICA,	)
	)
Defendant.	)

**ORDER**

On June 5, 2007, the plaintiff filed a petition to quash summons which was set for a hearing on June 14, 2007. At the hearing, the United States informed the court that a motion to dismiss had been filed. *See Doc. # 6.* In the written motion to dismiss, the United States asserted that it “will not seek enforcement of the summons, as issued.” *Id.* Based on the United States’ assertion, on June 15, 2007, the court granted the motion to dismiss and denied the petition to quash as moot. *See Judgment, Doc. # 9.*

On June 25, 2007, the plaintiff filed another motion to quash summons.<sup>1</sup> *See Doc. # 12.* On July 9, 2007, the court ordered the United States to show cause, on or before July 16, 2007, why the motion to quash should not be granted. The United States has filed nothing in response to the court’s order.

However, on July 16, 2007, the United States filed a motion to consolidate in which it asserts that this case should be consolidated with *Paul v. United States of America*, CV No.

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<sup>1</sup> On June 22, 2007, the plaintiff filed a petition to quash (doc. # 1) that was docketed as a new case. *See Paul v. United States of America*, CV No. 2:07mc3369-MHT (M.D. Ala.).

2:07mc3369-MHT (M.D. Ala.).<sup>2</sup> In the motion to consolidate, the United States also requests an extension of time to respond to the plaintiff's motion to quash.<sup>3</sup> On July 19, 2007, the plaintiff filed a motion to grant the motion to quash (doc. # 16) and a motion to dismiss the motion to consolidate as moot (doc. # 15).<sup>4</sup>

After careful consideration of the motions, and for good cause, it is

**ORDERED** as follows:

1. That the motions to consolidate (docs. # 14 & 7) be and are hereby GRANTED and these cases be and are hereby CONSOLIDATED for all further proceedings with the lead case being 2:07mc3367-MHT.

2. That the plaintiff's motions to dismiss the motions to consolidate (docs. # 15 & 10) be and are hereby DENIED.

3. That a hearing and oral argument on all pending motions, including the motions to quash, be and is hereby SET for August 2, 2007 at 1:30 p.m. in Courtroom 4B, United States Courthouse Complex, One Church Street, Montgomery, Alabama.

Done this 20<sup>th</sup> day of July, 2007.

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/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> The United States filed the identical motion in *Paul v. United States of America*, CV No. 2:07mc3369-MHT (M.D. Ala.). See Doc. # 7

<sup>3</sup> The court notes that a motion to consolidate is not an appropriate vehicle to request an extension of time to respond to the court's order.

<sup>4</sup> The plaintiff filed a motion to dismiss (doc. # 9) and a motion to dismiss the motion to consolidate (doc. # 10) in *Paul v. United States of America*, CV No. 2:07mc3369-MHT (M.D. Ala.).